



General Assembly

February Session, 2012

Amendment

LCO No. 3817

SB0035103817SD0

Offered by:

SEN. MEYER, 12th Dist.

To: Senate Bill No. 351

File No. 277

Cal. No. 220

**"AN ACT CONCERNING CERTAIN CEMETERY EROSION
MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22a-6h of the general statutes is amended by
4 adding subsection (d) as follows (*Effective October 1, 2012*):

5 (NEW) (d) Not later than thirty days after the date on which the
6 commissioner publishes or causes to be published notice of the
7 commissioner's tentative determination regarding an application
8 under Section 401 of the federal Water Pollution Control Act, 33 USC
9 466, such applicant may submit a written request to the commissioner
10 to conduct a hearing on such application in accordance with the
11 provisions of chapter 54. The commissioner shall grant any such
12 request provided such request is submitted in writing and filed in a
13 timely manner. Any person that is aggrieved by the commissioner's
14 final decision on such application may appeal such decision to the
15 Superior Court, in accordance with section 4-183.

16 Sec. 502. Subsection (b) of section 22a-361 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2012*):

19 (b) The commissioner, at least thirty days before approving or
20 denying an application for a permit, shall provide or require the
21 applicant to provide [] notice by certified mail, return receipt
22 requested, or by electronic means to the applicant, to the
23 Commissioner of Transportation, the Attorney General and the
24 Commissioner of Agriculture and to the chief executive officer, the
25 chairmen of the planning, zoning, harbor management and shellfish
26 commissions of each town in which such structure, fill, obstruction,
27 encroachment or dredging is to be located or work to be performed,
28 and to the owner of each franchised oyster ground and the lessee of
29 each leased oyster ground within which such work is to be performed
30 and shall publish such notice once in a newspaper having a substantial
31 circulation in the area affected. [] Such notice [of] shall contain (1) the
32 name of the applicant; (2) the location and nature of the proposed
33 activities; (3) the tentative decision regarding the application; and (4)
34 any additional information the commissioner deems necessary. There
35 shall be a comment period following the public notice during which
36 interested persons may submit written comments. The commissioner
37 may hold a public hearing prior to approving or denying an
38 application if, in the commissioner's discretion, the public interest will
39 best be served by holding such hearing. The commissioner shall hold a
40 public hearing if the commissioner receives: [a petition] : (A) A written
41 request for such public hearing from the applicant, or (B) a petition,
42 signed by twenty-five or more persons requesting such public hearing
43 [that is signed by twenty-five or more persons and] on an application
44 that will: [(A)] (i) Significantly impact any shellfish area, as determined
45 by the director of the Bureau of Aquaculture at the Department of
46 Agriculture, [(B)] (ii) have interstate ramifications, or [(C)] (iii) involve
47 any project that requires a certificate issued pursuant to section 16-50k
48 or approval by the Federal Energy Regulatory Commission. Following
49 such notice and comment period and public hearing, if applicable, the

50 commissioner may, in whole or in part, approve, modify and approve
 51 or deny the application. The commissioner shall provide to the
 52 applicant and the persons set forth above, by certified mail, return
 53 receipt requested, or by electronic means, notice of the commissioner's
 54 decision. If the commissioner requires the applicant to provide the
 55 notice specified in this subsection, the applicant shall certify to the
 56 commissioner, [no] not later than twenty days after providing such
 57 notice, that such notice has been provided in accordance with this
 58 subsection. Any person who is aggrieved by the commissioner's final
 59 decision on such application may appeal such decision to the Superior
 60 Court in accordance with section 4-183."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>October 1, 2012</i>	22a-6h
Sec. 502	<i>October 1, 2012</i>	22a-361(b)